

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS**

**October 5, 2009 – 4:00 PM**

**J. NEWTON COHEN, SR. ROOM**

**J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**  
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Present: Carl Ford, Chairman  
Jon Barber, Vice-Chairman  
Raymond Coltrain, Member  
Tina Hall, Member  
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 4:00 pm.

Commissioner Barber provided the Invocation and also led the Pledge of Allegiance.

**CONSIDER APPROVAL OF MINUTES**

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the September 21, 2009 Commission Meeting passed unanimously.

**CONSIDER ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**CONSIDER DELETIONS FROM THE AGENDA**

Commissioner Barber moved to delete agenda item #4 (Consider Approval of Resolution to Rescind the One-Quarter Cent County Sales Tax upon Completion and Payment of Capital Projects). Commissioner Barber explained that he would like for the County Attorney to research the issue further to determine if the County would be in violation of laws previously passed by the General Assembly, that allowed counties to levy such taxes. The motion was seconded by Commissioner Coltrain and passed unanimously.

## **CONSIDER APPROVAL OF THE AGENDA**

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the agenda passed unanimously.

### **1. CONSIDER APPROVAL OF CONSENT AGENDA**

Commissioner Coltrain moved approval of the Consent Agenda. The motion was seconded by Commissioner Mitchell and passed unanimously.

The Consent Agenda consisted of the following:

- A. Approval to Award Service Sidearm to Retiring Sheriff's Lieutenant Eddie M. Kluttz
- B. Approval to Use Debt Setoff to Collect Delinquent Ambulance Receivables
- C. Set Public Hearing for October 19, 2009 for Majority Petition for Litaker Farm Road
- D. Set Public Hearing for October 19, 2009 for Unanimous Petition for Jenny Lane
- E. Set Public Hearing for October 19, 2009 for Unanimous Petition for Cobra Lane
- F. Final Approval of Property Transfer Deed for Rowan Museum
- G. Approval to Delay Discussion Regarding Storage Space for Health Department

### **2. PUBLIC COMMENT PERIOD**

Chairman Ford opened the Public Comment Period to receive comments from any citizens wishing to address the Board. The following individuals came forward:

- Larry Wright thanked the Board for its prior approval of a resolution in opposition to forced annexation. Mr. Wright mentioned the upcoming municipal elections and he pointed out there were candidates that were also opposed to forced annexation.

With no one else wishing to address the Board, Chairman Ford closed the Public Comment Period.

### **3. QUASI-JUDICIAL HEARING FOR CUP 03-09**

Chairman Ford read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 03-09 to be in session. Chairman Ford said the hearing would focus on an application submitted by Cedric A. Cuthbertson for the property located at 530 Joe Rankin Road. The request was to allow for the construction of a 1500 square foot barn that would be used for storage of agricultural equipment and dry goods and provide shelter for several goats that graze on tax parcel 551 008.

The Clerk swore in those wishing to provide testimony in the case.

Planner Andy Goodall presented the Staff Report (Exhibit B). Mr. Goodall said Mr. Cuthbertson was requesting a permit to construct a 1500 square foot barn on his property located on Joe Rankin Road. Mr. Goodall said the barn would be used to store agricultural equipment, as well as provide shelter for animals.

Mr. Goodall said based on the Specific Use Criteria and Conditional Use Criteria listed in the Staff Report (Exhibit B), Staff recommended approval.

Mr. Goodall stated that he had distributed a list of example Findings of Fact (Exhibit D) to the Board prior to the meeting.

With no one else wishing to provide testimony in the case, Chairman Ford closed the public hearing.

Commissioner Mitchell moved approval of CUP 03-09 and to enter into the record the Findings of Fact (Exhibit D). The motion was seconded by Commissioner Barber and passed unanimously.

The Findings of Fact were presented as follows:

- 1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.**

**FACT:** *The parcel has sufficient frontage (590') along Joe Rankin Road (SR 1751) with an existing thirty (30) foot gravel entrance.*

**FACT:** *The proposed barn will be used for storage of agricultural equipment and dry goods (i.e. straw, hay) and provide shelter for several goats that graze on the parcel, which should result in little or no change in traffic.*

- 2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and;**

**FACT:** *No material evidence was presented suggesting this proposal would injure property values for adjoining lots.*

- 3. That the location and character of the development in accordance with proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.**

**FACT:** *The proposed structure (barn) will be constructed of painted metal siding (aluminum) and a tin roof.*

**FACT:** *Due to its location in a low-density residential / agricultural area of western Rowan County, the proposed 1,500ft<sup>2</sup> barn (agricultural use) should not detract from the rural character of the surrounding area.*

**4. CONSIDER APPROVAL OF RESOLUTION TO RESCIND THE ONE-QUARTER CENT COUNTY SALES TAX UPON COMPLETION AND PAYMENT OF CAPITAL PROJECTS**

This item was deleted from the agenda at the beginning of the meeting.

**5. DISCUSSION REGARDING ROWAN COUNTY AIRPORT ECONOMIC DEVELOPMENT ZONE**

County Manager Gary Page discussed the creation of an airport development zone. Mr. Page reported that the issue had been discussed at the staff level between Rowan County (County) and the City of Salisbury (City) for years.

Mr. Page referred to the Airport Development Zone Economic Incentive Agreement (Agreement) in the agenda packet and said the purpose of the Agreement was to establish an airport development zone that would provide incentives to those who own hangars or planes at the Rowan County Airport (Airport). The incentive would be recurring each year, based on taxes paid. The Agreement would allow the Airport to better compete with existing businesses, as well as retention of businesses considering relocation.

Mr. Page stated that the County's tax rate is \$.595 (fifty-nine and one-half cents) and the City's tax rate is \$.59 (fifty-nine cents) for a total of \$1.185 (one dollar and eighteen and one-half cents). Mr. Page compared the total to the Iredell/Statesville combined tax rate of \$.81 (eighty-one cents). Mr. Page said creating the airport economic development zone would allow the County to be more competitive.

Mr. Page said the original Agreement proposed several years ago allowed for voluntary annexation of the remainder of the Airport property. Mr. Page said the language for the voluntary annexation was removed from the Agreement currently before the Board and the economic development incentive would apply only to the area already annexed (hangars and airplanes). Mr. Page said the incentives were given annually and the Board would have the opportunity to review the process each year.

Mr. Page said other issues to be discussed, in addition to determining the area considered, was determining the tax rate and the term of years.

Mr. Page said the proposed Agreement was an attempt to generate discussion and for the Board to consider approval of the Agreement at the next meeting on October 19, 2009. Mr. Page said the Agreement could then be forwarded to the City for consideration in November.

In regards to a query from Commissioner Mitchell, Mr. Page said the County would initially lose approximately \$100,000 by reducing the tax rate. Mr. Page said if the tax rate was lowered, the County could attract additional aircraft that would be taxed and also generate additional fuel sales. Mr. Page said, "In the long run it will pay benefits down the road".

Commissioner Mitchell said he agreed with the overall concept but he would like further discussion with City Council regarding the terms of item 1(d).

Commissioner Mitchell said he would like to see the Chairman and another Commissioner meet with City Council representatives to discuss the terms, specifically item 1(d).

Chairman Ford asked if Commissioner Mitchell's statement was in the form of a motion and Commissioner Mitchell said yes. The motion was seconded by Commissioner Barber.

Commissioner Coltrain asked Commissioner Mitchell what he was "looking for" in regards to item 1(d). Commissioner Mitchell responded that as the Agreement was written, it was a 50/50 split with the City and he felt it should be more of a 70/30 split. Commissioner Mitchell said the County's investment and what the County was trying to recoup should be considered and the same would apply to the City.

Commissioner Barber asked if there had been any preliminary discussions regarding the proposed Agreement with the City Manager and Mr. Page said yes. Mr. Page said he had advised the City Manager that it would be difficult for the Board to approve an Agreement that called for voluntary annexation of the remainder of the Airport property. Mr. Page said the money issue had also been discussed and the City Manager felt the split should be 50/50.

Commissioner Barber asked Mr. Page if he was aware of any "deal breakers" and Mr. Page said he felt the rates would be the deal breaker. Mr. Page said the Board could offer a counter proposal in order to begin discussions.

Commissioner Hall mentioned the City's previous forced annexation at the Airport, which she said had a negative impact on economic development. Commissioner Hall said the doubling of the tax rate had unnecessarily driven away others to competing airports. Commissioner Hall felt it was unfair for the City to continue to expect half of the Airport's taxes and she agreed with Commissioner Mitchell that the Board should further discuss item 1(d) of the Agreement.

Commissioner Coltrain agreed that it would not hurt to brainstorm regarding the tax rate split with the City; however, he said the City did not break any laws with its forced annexation at the Airport. Commissioner Coltrain expressed hope that the tax split would not prevent the benefits that would be reaped in future years.

Commissioner Coltrain reported he had been informed that approximately nine (9) or ten (10) aircraft had located at the Iredell/Statesville Airport due to the lower tax rate. Commissioner Coltrain said he had also been informed that those individuals were interested in moving back to the Rowan County Airport. Commissioner Coltrain agreed that a five-year term would be a good trial period. Commissioner Coltrain said he did not want to communicate to the City that the tax split was “all or nothing”.

Chairman Ford said he agreed with Commissioner Coltrain that Rowan County wanted to attract people back to the Airport and he also agreed with Commissioner Hall that the County did not wish to “run off any future business”. Chairman Ford said the Airport was the County’s and the County had done the work to date at the Airport.

Commissioner Hall asked Commissioner Mitchell if he would amend his motion to allow Chairman Ford to appoint himself and Commissioner Mitchell to represent Rowan County in discussions with the City of Salisbury.

Commissioner Mitchell accepted the amendment to the motion and upon being put to a vote, the motion on the floor passed unanimously.

## **6. CONSIDER APPROVAL OF BOARD APPOINTMENTS**

### **JUVENILE CRIME PREVENTION COUNCIL**

Jim Mallinson submitted an application for reappointment as the Substance Abuse Professional representative. The term would be for two (2) years beginning November 1, 2009 and expire June 30, 2011.

Commissioner Mitchell nominated Jim Mallinson for reappointment and the nomination passed unanimously.

### **LOCKE VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONER**

The Locke Volunteer Fire Department requested the appointment of one (1) fire commissioner and submitted the following applications for consideration:

- Benny Myers
- David Eagle

The term would be for two (2) years beginning October 1, 2009 and expire June 30, 2011.

Commissioner Barber nominated David Eagle and the nomination passed unanimously.

The Locke VFD also requested the Board change the term of Rob Himes to end June 30, 2011 and Ernest Cowan to end June 30, 2010 in order to allow these individuals to complete the department’s budget process. Their terms currently expire in April of their respective years.

Commissioner Mitchell moved to approve the request as presented. The motion was seconded by Commissioner Barber and passed unanimously.

#### **NURSING HOME ADVISORY COMMITTEE**

Deborah Kurfees submitted an application for appointment. The term would be for one (1) year beginning October 1, 2009 and expire September 30, 2010.

Commissioner Mitchell nominated Deborah Kurfees for appointment and the nomination passed unanimously.

#### **ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

John Cowan was appointed on March 1, 2009 and had not attended any of the required training meetings. Several attempts were made to contact Mr. Cowan with no response. The Board was asked to remove Mr. Cowan from the Committee due to Mr. Cowan's failure to complete the required training.

Commissioner Mitchell made a motion to rescind John Cowan's appointment. The motion was seconded by Commissioner Coltrain and passed unanimously.

#### **REGION F AGING ADVISORY COMMITTEE**

John Hill submitted an application for consideration. The term would be for two (2) years beginning November 1, 2009 and expire June 30, 2011.

Commissioner Mitchell nominated John Hill and the nomination carried unanimously.

#### **SENIOR SERVICES ADVISORY COUNCIL**

Sandra Reitz and Rick Eldridge completed their allowable number of terms.

John Hill submitted an application and the term would be for three (3) years beginning November 1, 2009 and expiring October 31, 2012.

Commissioner Barber nominated John Hill and the nomination carried unanimously.

#### **7. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 4:30 pm. The motion was seconded by Commissioner Coltrain and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC  
Clerk to the Board